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Communications

K. X. P. U.

Ariel: Hark, hark! I hear
The strain of Strutting chanticleer,
Cry, cock-a-doodle-doo.

Ferdinand: Where should this music be? i' the air, or the earth?
It sounds no more:—and sure it waits upon
Some god of the island. Sitting on a bank,
Weeping again the king my father's wrack,
This music crept by me upon the waters;
Allaying both their fury, and my passion,
With its sweet air: thence I have follow'd it,
Or hath it drawn me rather:—But 'tis gone.
No, it begins again.

Ariel sings.

The Tempest, Act I, Scene II.

The same Shakespeare said "All the world's a stage", but now my dial reads that all the world's a neutrostage. And the skrinking lawyer, once so timid he would not advertise his noodle wares in the daily press, now soldier bold, full of strange oaths, jealous in honour, sudden and quick in quarrel, seeking the bubble reputation even in the microphone's mouth, takes the air, and tells us of unusual cases he has tried. It is too much. The sooner the Newspaper brings on KOA and the National Circuit, the better for us all.

Poor Richard.

Communications

The Denver Bar Association Record,
Denver, Colorado.
Gentlemen:

You may be interested in a further addition to the bibliography on the quotation, "The Law is a Jealous Mistress." Mrs. Hammond of The Carson Press (which published our American Bar Association number of The Jealous Mistress at the time I was editor) has referred me to a quotation from Thackeray's "The Virginians," in chapter XV of the second volume, which reads as follows:

"Though not so exacting as she since has become—though she allowed her disciples much more leisure, much more pleasure, much more punch, much more frequenting of coffee-houses and holiday-

making, than she admits nowadays, when she scarce gives her votaries time for amusement, recreation, instruction, sleep, or dinner—the Law a hundred years ago was still a jealous mistress, and demanded a pretty exclusive attention."

"The Virginians" was written between the years 1857 and 1859, which places this quotation, among the definite written quotations so far discovered, as junior only to that of Judge Story's in "The Value and Improvement of Legal Studies," where the quotation is also used. This latter essay, contained in "Miscellaneous Writings of Joseph Story," published in 1852, appears to be the first instance of the quotation as yet definitely located in written form.

My own impression would be that it was unlikely that Thackeray would have read a comparatively obscure essay of Judge Story written a few years previous, and that the original coinage of the phrase by both Story and Thackeray, and possibly, also, by Judge Sharswood, who is said to have used the same phrase in his Introduction to his edition of Blackstone in 1859, was an unlikely coincidence. I would, therefore, infer that there was probably some earlier use of the quotation which has not been definitely located and which may have been merely in the form of an unwritten proverb.

Very respectfully,
OLIVER W. TOLL

The Denver Bar Association Record,
Denver, Colorado.

Gentlemen:

I was interested in reading the sentence imposed by Judge Kirby Benedict, of Taos County, New Mexico, upon Jose Maria Martin, published in the August number of the Bar Association Record.

A sequel to the sentence imposed by Judge Benedict upon the prisoner in 1858 to the effect that Jose Maria Martin escaped from the county jail after sentence, and several years afterward, met his death, in Lincoln County, New Mexico, by falling backward out of a wagon and breaking his neck.

Yours truly,
HARRY C. RIDDLE

Legal Ethics Opinions

No. 1

THE Committee on Professional Ethics reports the following statements of questions submitted to it in respect of professional conduct and its opinion thereon:

STATEMENT

I am a Denver attorney and would inquire whether in the opinion of your Committee it would be unprofessional for me, at the request of attorneys of another state, to furnish an affidavit to be used in the disbarment proceedings pending against an attorney of that state. Such affidavit would set forth the details of unprofessional conduct of which the accused attorney has been guilty in connection with litigation under his direction against my client in Colorado. The offense to be covered by the affidavit is not itself included among the offenses charged in the disbarment proceeding. But disbarment would probably inure to the benefit of my client by putting a stop to the litigation against it.

OPINION

Assuming that the affidavit in question is sought by persons properly initiating or prosecuting the disbarment proceedings it is the opinion of the Committee that to furnish it would not be unprofessional; and that No. 29 of the Canons of Ethics recommended by the Supreme Court, which provides that

"Lawyers should expose without fear or favor before proper tribunals corrupt or dishonest conduct in the profession," conclusively answers the inquiry.

No. 2

STATEMENT

To the Committee:

I am enclosing three questions which I would appreciate if your Committee would rule upon at its convenience.

- A. Is it ethical for a lawyer to accept a retainer or fee from persons, corporations, or organiza-